



AN ORDINANCE

02-O-

BY: HOWARD SHOOK

Z-03-52

AN ORDINANCE TO AMEND SECTION 16-28.023 OF THE CITY OF ATLANTA ZONING CODE SO AS TO ALLOW THE TRANSFER OF DEVELOPMENT RIGHTS IN CERTAIN CIRCUMSTANCES WHEN PROPERTY ZONED AND DEVELOPED IN ACCORDANCE WITH R-1 THROUGH R-5 STANDARDS ALSO CONTAIN A PORTION ZONED RG; AND FOR OTHER PURPOSES

WHEREAS, there are areas of the City in which property that has been zoned and developed in accordance with the R-1 through R-5 zoning classification that contain a portion that is zoned to the RG classification which is adjacent to other property zoned to the RG classification;

WHEREAS, in such circumstances it is in the best interest of the health and welfare of the citizens of the City of Atlanta to allow the owners of these properties to transfer their development density to the adjacent property which is also zoned to the RG classification;

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

**Section 1.** That Section 16-28.023(1) of the City of Atlanta Zoning Code is amended by adding a new Section 16-28.023(1) to read as follows:

- (1) *Intent:* For the purposes of preserving buildings of historic-cultural significance and to permit the transfer of density for non-historic property zoned and developed in accordance with the R-1 through R-5 zoning classification that contain a portion that is zoned to the RG classification which is adjacent to other property zoned to the RG classification.

Upon the joint application of parties in interest proposing the transfer of excess development rights of an historic structure, the council may permit any development of such lots if in close proximity of each other. Such development shall not alter the effect of regulations applicable in the district as a whole but may alter the effect on individual lots within the area of agreement.



Upon the joint application of parties in interest proposing the transfer of excess development rights of property zoned and developed with the R-1 through R-5 zoning classification that also contain a portion which is zoned RG and the RG portion of that lot is adjacent to other property zoned RG, development density for the RG portion of said lot may be transferred upon the agreement of the landowners of both parcels and the city in accordance with the procedures of this section.

**Section 2.** That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

A true copy,

*Phonda Dauphin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council**  
**APPROVED by the Mayor**

OCT 06, 2003  
OCT 14, 2003

RCS# 5045  
10/06/03  
2:18 PM

Atlanta City Council

## Regular Session

MULTIPLE

03-O-1216, 03-O-1123, 03-O-1121,  
03-O-1083, 03-O-1217  
ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

MULTIPLE

03-0-1123

(Do Not Write Above This Line)

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ADOPTED BY

OCT 06 2003

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 7/7/03  
Referred To: Zoning  
Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date 10/14/2003

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Howard Shook

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☐ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

OCT 06 2003

OCT 03 2003

Mayor's Action

Mayor's Action

MAYOR